

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Montriel Lee Wilder

Docket No. 5:09-CR-90-1D

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Montriel Lee Wilder, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1), Possession With Intent to Distribute Five Grams of More of Cocaine Base, was sentenced by the Honorable K. Michael Moore, U.S. District Judge in the Southern District of Florida, on March 16, 2005, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in an approved treatment program for mental health/substance abuse, as directed by the U.S. Probation Office, and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment, if deemed necessary. The defendant will contribute to the costs of services rendered (co-payment) in an amount determined by the U.S. Probation Officer, based on ability to pay, or availability of third party payment.
2. The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days, unless excused by the U.S. Probation Officer. Further, the defendant shall provide documentation, including but not limited to, pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and any other documents requested by the U.S. Probation Office.

Montriel Lee Wilder was released from custody on August 24, 2007, at which time the term of supervised release commenced. On May 29, 2008, a revocation hearing was held in the Southern District of Florida due to failure to notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer, new criminal conduct (Misdemeanor Assault on a Female), failure to submit monthly supervision reports, failure to follow the instructions of the probation officer, and associating with a felon without permission. Supervision was revoked, and he was sentenced to 11 months imprisonment to be followed by 49 months supervised release.

On January 16, 2009, Wilder's second term of supervised release commenced. Jurisdiction was transferred to the Eastern District of North Carolina on March 31, 2009. On December 10, 2010, a Violation Report was submitted to the court advising that the defendant was charged in Edgecombe County with Misdemeanor Assault by Pointing a Gun and Communicating Threats. Wilder denied guilt, and the probation officer spoke with his girlfriend, the complainant, who stated that they got into a verbal argument, but a weapon was not involved. The probation officer recommended to continue supervision until adjudication in state court. Wilder was found not guilty on February 16, 2011.

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On January 5, 2011, a Violation Report was submitted to the court advising that the defendant tested positive for cocaine. The defendant was verbally reprimanded and counseled about his actions. Further, he was referred to substance abuse treatment, and was advised that future violations would result in sanctions being imposed or his being returned to court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 8, 2011, the defendant tested positive for cocaine (second positive while on supervised release). Wilder will be placed in our Surprise Urinalysis Program and will be required to participate in outpatient drug treatment. As a sanction for this conduct, we are recommending that he complete 9 days in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for 9 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: September 15, 2011

ORDER OF COURT

Considered and ordered this 19 day of September, 2011, and ordered filed and made a part of the records in the above case.

James C. Dever
James C. Dever
U.S. District Judge